

## R E M A R K S

- o Claims 1 to 39 were pending but have been cancelled herein
- o Claims 40 to 74 have been added herein
- o Claims 40, 69, 70, 73, and 74 will be the only pending independent claims upon entry

Applicants have cancelled all of the previously pending claims without prejudice to pursue them in another application. Applicants believe the newly added claims explicitly recite features that clarify the invention and clearly overcome the Examiner's rejections. Support for the new claims, beyond the cancelled claims, may be found on pages 7 to 11 of Applicants' specification.

The Examiner has objected to Applicants' previously pending method claims on the grounds that Applicants have not used the terms "step" or "steps." The Examiner has required Applicant to use these particular terms. Applicants' new claims do not recite the terms "step" or "steps" and thus, Applicants respectfully traverse the Examiner's requirement. The Examiner is reminded that there is no statutory or case law that requires Applicants to use terms "step" or "steps." Thus, Applicants respectfully request the Examiner not reassert the objection against the new claims.

It appears that the Examiner has rejected Applicants' previously pending claims under Section 101 as not being within the technological arts because Applicants claims "can be performed in the mind of the player." While this is not a proper basis for a Section 101 rejection, Applicants new claims recite features that include structure. Thus, Applicants respectfully assert that these new claims cannot be rejected as non-statutory even under the Examiner's improper application of Section 101. Thus, Applicants respectfully request the Examiner not reassert the Section 101 rejection against the new claims.

Regarding the Section 102 and 103 rejections, the relied upon references do not teach the features of newly added Claims 40 to 74. Specifically, the references do not teach "receiving from a device information regarding a total payout amount of electronic scratch-off lottery tickets stored on the device" or "receiving from a player an indication of an item that the player is interested in winning" or the like as recited in each of the new independent claims. Further, none

of the references, either alone or in any combination, teach the combination of the two above-quoted features of Applicants' invention.

Despite the Examiner's assertion to the contrary, Applicants' claimed feature of "arranging for the player to receive the item based on whether the total payout amount is within a defined range of the value of the item" is not taught by the Rossides reference (U.S. Patent No. 5,620,182). In rejecting Claim 23, the Examiner asserted that Rossides 14:44-60 teaches this feature of Applicants' invention. However, the cited passage merely describes the "input means" of a "computing means." Regardless, the newly added claims further recite that the total payout amount has not been disclosed to the player and thus, Applicants' invention allows the value of the item to be shielded from the player, a feature clearly not present in Rossides. Thus, in light of the features of the newly added claims, Applicants respectfully request that the Examiner not reassert the Section 102 and 103 rejections against the new claims.

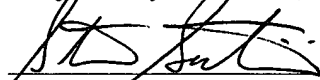
For the foregoing reasons it is submitted that all of the claims are in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Steven Santisi at telephone number (203)461-7054 or via electronic mail at [ssantisi@walkerdigital.com](mailto:ssantisi@walkerdigital.com).

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

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Date

Respectfully submitted,



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